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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,933	10/30/2003	Rene Bitsch	M61.12-0532	1035

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EXAMINER	
LY, ANH	

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,933	BITSCH, RENE	
	Examiner	Art Unit	
	Anh Ly	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) *1-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *01/26/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is Response to Applicant's AMENDMENT filed on 06/12/2006.

2. Claims 17-40 are pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "receiving data at interface indicative of how the new term is used on the label" . Applicant is advised to amend to clarify by using concise claim language for the intend use of this claimed limitation in order to one of ordinary skill in the art to make and use the invention as claim.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 17, 19-23, 25-26, 28, 30, 32, and 34-35 provisionally rejected on the ground of **nonstatutory obviousness-type double patenting** as being unpatentable over claims 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 14, 17 and 18 of copending Application No. **10/674,834**. Although the conflicting claims are not identical, they are not patentably distinct from each other because searching a database for text matching a desired text, returning to the use a list of match; creating a new object, assigning a GUI for new object...

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 17-21 and 25-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No.: US 2004/0039989 A1 of Warren in view of Pub. No.: US 2005/0038558 of Keene.

With respect to claim 17, Warren teaches a method of identifying and creating text for a new term in a term database that matches a desired terminology for a label (figs 2-4, user enters entries through a user interface or GUI including a structured form as a dialog for entering such as text or data or information in order to generate text for label or term stored in the database: section 0021-0022 and abstract), comprising the step of :

receiving data at an interface indicative of how the new term is used (receiving data/entries to be entered via a GUI as shown in figs 2-4 and these entries or data to be stored in the data for later to be used such as retrieving or searching for translating to other language: sections 0011, 0020-0021 and 0060-0063); and

returning to the user a list of matches found in the term database (response to the user input data: sections 0022-0025).

Warren teaches receiving user's entry or data from GUI and storing these data into a database and returning a list of match found to user. Warren does not clearly teach searching the database for text matching a desired text for the label.

However, Keene teaches search the label from a databank (sections 0065 and 0090).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Warren with the teachings of Keene. One having ordinary skill in the art would have found it motivated to utilize the use of the result from the search as disclosed (Keen's section 0065), into the system of Warren for the purpose of combining of graphical representations, pictograms and textual information to generate the label or image in the label system (sections 0060-0062).

With respect to claim 18, Warren teaches wherein searching further includes searching in a term area of the term database for terms matching a desired specific use of the term (sections 0021-0025).

With respect to claim 19, Warren teaches selecting one of the matches found the term database (sections 0022 and 0025).

With respect to claim 20, Warren teaches wherein receiving the data for the term includes receiving at least a portion of the desired text (section 0022).

With respect to claim 21, Warren teaches creating a new object in the term database for the new term (section 0044).

With respect to claim 25, Warren teaches storing the new term in the term database (abstract, sections 0019 and 0043).

With respect to claim 26, Warren teaches storing versions of the text for the term in a record in a term text database (section 0012).

With respect to claim 27, Warren teaches opening a dialog interface prior to receiving data into the interface, and receiving the data in the dialog interface (figs. 2-4).

With respect to claim 28, Warren teaches a method of identifying as discussed in claim 17.

Warren teaches receiving user's entry or data from GUI and storing these data into a database and returning a list of match found to user. Warren does not clearly teach comparing the indicated use of the selected records with the indicated use of the new term; and ordering the selected records based on a match with the desired text and indicated use of the new term.

However, Keene teaches comparing and ordering the selected records (sections 0070 and 0082-0083).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Warren with the teachings of Keene. One having ordinary skill in the art would have found it motivated to utilize the use of the result from the search as disclosed (Keen's section 0065), into the system of Warren for the purpose of combining of graphical representations, pictograms and textual information to generate the label or image in the label system (sections 0060-0062).

With respect to claim 29, Warren teaches selecting records in the term database having a similar specific use as the new term (section 0050-0053).

With respect to claim 30, Warren teaches displaying the list matches on the user interface (response to the user input data: sections 0022-0025).

With respect to claim 31, Warren teaches displaying information for each identified entry contained in the term database (sections 0022-0025).

With respect to claim 32, Warren teaches receiving an indication that one record in the list of matches is a desired entry, and selecting that entry as the new term text (sections 0022-0025).

9. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0039989 A1 of Warren in view of Pub. No.: US 2005/0038558 of Keene, and further in view of Pub. No.: US 2002/0156775 A1 of Yamamoto.

With respect to claim 22, Warren in view of Keene discloses a method for identifying and creating text as discussed in claim 17.

Warren and Keene disclose substantially the invention as claimed.

Warren and Keene do not teach assign a GUID for the new term.

However, Yamamoto teaches GUID to be recorded to each image or text object or database record in the database (abstract and section 0095).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Warren in view of Keene

with the teachings of Yamamoto. One having ordinary skill in the art would have found it motivated to utilize the use of GUID in the object stored in the database record as disclosed (Yamamoto's abstract and section 0095), into the system of Warren for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claims 23, Warren receiving a category code for the new term; and receiving a description for the new term (sections 0079-0081).

With respect to claim 24, Warren teaches receiving a specific desired use of the new term (sections 0059-0060).

10. Claims 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0039989 A1 of Warren in view of Pub. No.: US 2005/0038558 of Keene, and further in view of Pub. No.: US 2004/0260689 A1 of Colace et al. (hereinafter Colace).

With respect to claims 33 and 36, Warren in view of Keene discloses a method for identifying and creating text as discussed in claim 17.

Warren and Keene disclose substantially the invention as claimed.

Warren and Keene do not teach comparing the category of the selected term.

However, Colace teaches comparing the category (sections 0061-0062).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Warren in view of Keene

with the teachings of Colace. One having ordinary skill in the art would have found it motivated to utilize the use of comparing the selected record as disclosed (Colace's sections 0061-0062, into the system of Warren for the purpose of improving the searching database performance, thereby, helping to return the matched based on the desired text more efficient.

With respect to claims 34 and 37, Warren teaches duplicating any translations in a term text database to the record in the term text database for the new term (sections 0020 and 0085).

With respect to claims 35 and 38 Warren teaches creating an entry in the new term ID indicating an ID of the selected term (section 0052).

With respect to claim 39, Warren suggesting the new term to the term database, entering the new term in the term database with the new term ID and changing a state of the new term to a suggested state (sections 0045 and 0049-0050; also see section 0072).

With respect to claim 40, Warren teaches changing the state of the new term to a verified state following a review process (section 0049-0050).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV (**Written Authorization being given by Applicant (MPEP 502.03 [R-2])) or fax to (571) 273-4039 (Examiner's personal Fax No.**). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner: Jean Corrielus (571) 272-4032**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to:

Central Fax Center: (571) 273-8300

ANH LY
AUG. 10th, 2006

JEAN M. CORRIELUS
PRIMARY EXAMINER